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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,598	10/17/2003	Yu Zheng	PAT-1357-CON	2273

7590 08/08/2005
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Tustin, CA 92782

EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,598

Applicant(s)

ZHENG, YU

Examiner

Winnie Yip

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to applicant's amendment for a Request Continue Examination application (RCE) filed on May 26, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

1. Claim 17 is objected to because of the following informalities: the language “coupled to the vertical angle” (line 16) is not deemed proper. It appears to read “coupled to the vertical panel”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. Claims 17-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Brady (US Patent No. 5,137,044).

Brady shows and teaches a collapsible structure (see Fig. 20) comprising: a vertical panel (47) and an angled panel (42a or 42b), each panel having a foldable frame member (47, 42a or 42b respectively) having a folded and unfolded orientation, a fabric material (22) covering each the frame member by sleeves to form a flat panel when the frame member is in the unfolded orientation, each panel being capably collapsed to a small sized by twisting and folding the frame member (see Figs. 8-16), wherein each panel having a bottom side being adapted to be

contacted and rested on a horizontal surface, and the angled panel (42a or 42b) positioned at an angle with respect to the horizontal surface when the structure is deployed on the horizontal surface, and the angled panel being hingedly coupled to a side of the frame of the vertical panel (47) at an angle such as 90 degrees with respect to the vertical panel.

Regard to claim 18, Brady considered teaching the angled panel (42a or 42b) having a top side being hingedly coupled to the fabric of the sleeve on the top edge of the frame of the vertical panel.

Regard to claim 19, the second angled panel (42b or 42a reversibly) providing a support panel being also coupled to another side of the vertical panel opposite the first angled panel as claimed.

Regard to claim 20, the vertical panel having a center opening which provides an amusement feature allows a person passed therethrough.

Regard to claim 22, the vertical panel (47) and the angled panel (42a or 42b) having different sizes.

Claim Rejections - 35 USC § 102/103

3. Claims 17-18 and 20-22 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Stewart (UK Patent NO. 2,340,516).

Stewart shows and teaches a collapsible structure comprising two panels each having a loop of foldable frame member (4, 6) having a folded and unfolded orientation, a fabric material (24, 26) covering the frame member to form a flat panel when the frame member is in the unfolded orientation, each panel being collapsed to a small sized by twisting and folding the frame member (see Fig. 1), wherein each panel has two sides, the two panels are connected and maintained each other at an angel by suitable hinge means at the apex of the sides of the two panels, the two panels having a bottom being adapted to rest and contact with a horizontal surface (not show), an opening (34) providing an amusement feature on the fabric of the angled panel, and a base (32) providing a support panel coupling the bottom of two panels separately. Although Stewart does not define the one of the two panel being positioned vertically to the horizontal surface when the structure is deployed on the horizontal surface, Steward teaches the length of the base (32) and the angle between two panels are capably adjusted such that one of the panel (4) is capably positioned vertically with respect to the horizontal surface and another panel (6) is coupled to the vertical panel at an angle with respect to the vertical panel and the horizontal surface (see Fig. 2). Therefore, one of ordinary skill in the art would have expected applicant's invention to perform equally well to provide a collapsible structure of Stewart having one panel being positioned

vertical and the other panel being adjusted in the angle with respect to the vertical panel and rested on the horizontal surface to provide sufficiently support to support a collapsible structure being rested on the horizontal surface as claimed since applicant has not disclosed that one of the panel must be vertically positioned provides an advantage, is used for a particular purpose, or solves a stated problem.

Regard to claim 22, although Stewart does not define the two panels having different sizes, Stewart also does not define the two panels must have same sizes. Therefore, one of ordinary skill in the art would have expected applicant's invention to perform equally well to vary the dimensions of sizes of two panels to provide the collapsible structure of Stewart with two substantially different sizes of panels as claimed because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

4. Claims 17- 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 8-57164 in view of Dobberstein (US Patent No.5,582,197).

Japanese reference shows and teaches a collapsible structure comprising two panels (2) each having a loop of foldable frame member (5) having a folded and unfolded orientation, a fabric material (6) covering the frame member to form a

flat panel when the frame member is in the unfolded orientation, each panel (2) being collapsed to a small sized by twisting and folding the frame member (see Fig. 5), wherein the two panels are coupled and maintained each other at an angel by suitable hinge means at the top side of the two panels, the two panels having a bottom being adapted to rest and contact with a horizontal surface, an opening (7) providing an amusement feature on the fabric of one of the panel, and a base (8) providing a support panel coupling the bottom of two panels to maintain the panels being angularly coupled together in an predetermined angle when the structure is deployed on the horizontal surface. Japanese patent further discloses the angle between the two panels would be adjusted, and one of the panels would be positioned vertical and another would be positioned angularly to the vertical panel (See Fig. 4). Although Japanese does not define two panels having different size and one of the two panel being positioned vertically to the horizontal surface when the structure is deployed on the horizontal surface, Dobberstein teaches a collapsible structure (see Fig. 2 and Fig. 5) comprising a first panel (4) and a second panel (9) being angularly coupled together, and a support panel (7) connected therebetween, the first panel and the second panel having a frame including foldable side poles (50), top and bottom poles (17 or 56). Wherein the two panel being hingedly connected together. Wherein the two panels being

angularly connected one to another, or could have one panel being positioned substantially vertical with respect to a horizontal surface and another being angled and coupled to the vertical panel (see Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collapsible structure of Japanese Patent having two panels with different sizes and with one panel being vertically positioned on a horizontal surface and another panel being angularly coupled to the vertical panel at an angle with respect to the vertical panel as taught by Dobberstein for providing the structure with an interior area having sufficiently height and width in the deployed position as desirable to accommodate various requirement of various applications.

Citations

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nissen et al. '021, Lee '319 and Taylor '598 teach various structures comprising one angled panel being coupled to a vertical panel two panels at a suitable angle as similar to the claimed invention.

Response to Argument


6. Applicant's arguments with respect to claims 12-16 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Winnie Yip
Primary Examiner
Art Unit 3637